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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KEVIN BELCHER,

Plaintiff,

v.

SCOTT E. PEARSON,

Defendant.

Case No.: 3:20-CV-00296-RCJ-WGC

ORDER

Plaintiff sues Judge Scott E. Pearson of the Reno Justice Court for violation of the Eighth Amendment’s Excessive Bail Clause. Plaintiff alleges that Plaintiff was charged with a gross misdemeanor and Judge Pearson set his bail at \$500,000, while his co-defendant’s bail was set at \$30,000. On September 22, 2020, the Court issued an order dismissing the complaint with leave to amend and directed Plaintiff to file an amended complaint within 30 days. (ECF No. 4). The 30-day period has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the Court’s order. District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring

1 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128,  
2 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order); *Henderson v.*  
3 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and  
4 failure to comply with local rules).

5 In determining whether to dismiss an action for lack of prosecution, failure to obey a  
6 court order, or failure to comply with local rules, the court must consider several factors: (1) the  
7 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket;  
8 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on  
9 their merits; and (5) the availability of less drastic alternatives. *See Thompson*, 782 F.2d at 831;  
10 *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61;  
11 *Ghazali*, 46 F.3d at 53.

12 Here, the Court finds that the first two factors, the public's interest in expeditiously  
13 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
14 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of dismissal,  
15 since a presumption of injury arises from the occurrence of unreasonable delay in filing a  
16 pleading ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522,  
17 524 (9th Cir. 1976). The fourth factor—public policy favoring disposition of cases on their  
18 merits—is greatly outweighed by the factors in favor of dismissal discussed herein. Finally, a  
19 court's warning to a party that his failure to obey the court's order will result in dismissal  
20 satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833  
21 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an  
22 amended complaint within 30 days expressly stated: "IT IS FURTHER ORDERED that if  
23 Plaintiff fails to file an amended complaint within 30 days, the action will be dismissed. (ECF  
24 No. 4). Thus, Plaintiff had adequate warning that dismissal would result from his  
25 noncompliance with the Court's order to file an amended complaint within 30 days.

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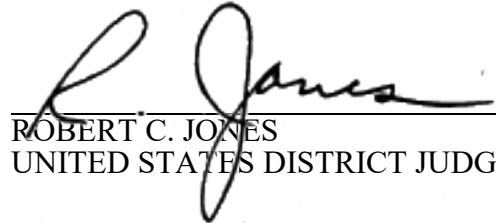
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1           **IT IS HEREBY ORDERED** that this action is **DISMISSED** based on Plaintiff's failure  
2 to file an amended complaint in compliance with this Court's Order entered September 21, 2020.

3           **IT IS FURTHER ORDERED** that the Clerk of Court will enter judgment accordingly  
4 and close this case.

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6           DATED this 25<sup>th</sup> day of June, 2021.

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10          ROBERT C. JONES  
11          UNITED STATES DISTRICT JUDGE  
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